

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:33 A.M., on Wednesday, November 6, 2002.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 2, 2002

Motion by Nelson
Supported by Kessler

MOVED, to approve the minutes of the meeting of October 2, 2002 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. JEFFREY CLEMENTS, THE GALE COMPANY, 700 TOWER, for relief of the Sign Ordinance to maintain an existing ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain an existing, third ground sign, 128 square feet in size at 700 Tower. Paragraph B & C of Section 9.02.03 of the Sign Ordinance limits the site to one major ground sign and an additional 36 square foot ground sign. The site currently has two 27 square foot ground signs. This sign was originally permitted by a variance granted by the City Council in 1987. Sign variances have a maximum duration of fifteen (15) years. The variance is now expiring and the petitioners have filed a new application asking for the signs to remain.

This item last appeared before this Board at the meeting of October 2, 2002 and was postponed to allow the petitioner the opportunity to be present.

Mr. Jeffrey Clements of the Gale Company was present and stated that he had nothing to add.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Need
Supported by Nelson

MOVED, to grant Jeffrey Clements, The Gale Company, 700 Tower, a fifteen (15) year variance for relief of the Sign Ordinance to maintain an existing, third ground sign, 128 square feet in size.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- There are no complaints or objections on file.

ITEM #2 –con't.

Yeas: All – 5

MOTION TO GRANT RENEWAL OF VARIANCE FOR FIFTEEN (15) YEARS
CARRIED

ITEM #3 – VARIANCE REQUESTED. DAVID KUJAWA, 3310 HARMONY, for relief of Chapter 83 to erect a 6' high privacy fence setback 6' from the property line along Lakewood for the east 42' of the lot.

The Chairman moved this item to the end of the agenda, ITEM #14, to allow the petitioner the opportunity to be present.

ITEM #4 – VARIANCE REQUESTED. MAGDY HABIB, 3415 CROOKS, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence in the required front yard along Crooks Road. The main fence proposed along Crooks Road is shown as 5'-4" to 5'-10" high aluminum or cast iron with 6'-8" high masonry columns. The driveway entrance gates and columns as shown range in height from 7' to 8'-10". Also a 4' high chain link fence is shown in the required front setback along the side property line. Chapter 83 limits the height of fences in the front yard to 30".

Mr. Stimac also suggested that the Board discuss Items #4 and Item #5 together as these two properties are next to each other and a similar request has been submitted for that property as well.

Mr. Magdy Habib was present and stated that they wished to put this fence in the front yard to protect their children from strangers walking and or driving along Crooks Road. Mr. Habib brought in pictures taken along Crooks Road, which show other fences with columns, and which he feels would support his request for this fence.

The Chairman opened the Public Hearing.

Clare Rucker of 3379 Crooks Road was present and stated that she objects to this request and is concerned about the appearance of the fence. Ms. Rucker does not want to see a gated compound in the area and stated that this is an older subdivision, and although the homes under construction are beautiful, does not feel this type of fencing is required to protect the children.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There are no written approvals on file.

ITEM #4 –con't.

Mr. Need stated that the other fences that Mr. Habib had spoken of were in the rear yards of the properties in question and not located in the front yards of those homes. Mr. Need also stated that the type of fence is not in question, but the location of the fence.

Mr. Need also asked if the lots were going to be totally enclosed and Mr. Stimac stated that the plans submitted indicate a fence at the rear of each lot. The petitioner stated that existing trees will be in front of this fence line. Mr. Need then asked what the hardship was that would require a fence in the front yard of this property. Mr. Ashraf Boules stated that there are five (5) children between the ages of two and eleven and he wishes to secure these children and provide for their safety. Mr. Need went on to say that the standard for the community is to fence the back yard of a property and not the front yard and does not believe that a fence in the front yard is keeping with the standards of the area. Mr. Boules said that presently he lives in Chesterfield Township and has received several alerts from the Police warning the parents about strangers in the area and wants to prevent strangers from approaching his children in Troy.

Mr. Kessler stated that he agrees with Mr. Need and does not see a hardship that would require a fence in the front yard. Mr. Kessler also stated that he believes there would be enough protection provided for these children just by fencing the back of the property and also that a fence in the rear of the property would be more in keeping with the area.

Mr. Boules stated that this fence would be placed about 10' back from the property line and Mr. Habib stated that he feels that this type of fence would add to the value of the surrounding property.

Motion by Need

Supported by Kessler

MOVED, to deny the request of Magdy Habib, 3415 Crooks, for relief of Chapter 83 to install a fence in the required front yard along Crooks Road.

- Variance would have an adverse effect on surrounding property.
- This fence would not be in keeping with other homes in the area.
- Petitioner did not demonstrate a hardship with the land.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #5 – VARIANCE REQUESTED. ASHRAF BOULES, 3397 CROOKS, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence in the required front yard along Crooks Road. The main fence proposed along Crooks Road is shown as 5'-4" to 5'-10" high aluminum or cast iron with 6'-8" high masonry columns. The driveway entrance gates and columns as shown range in height from 7' to 8'-10". Also a 4' high chain link fence is shown in the required front setback along the side property line. Chapter 83 limits the height of fences in the front yard to 30".

The discussion of this item was held at the same time as Item #4.

There are two (2) written objections on file. There are no written approvals on file.

Motion by Need
Supported by Kessler

MOVED, to deny the request of Ashraf Boules, 3397 Crooks, for relief of Chapter 83 to install a fence in the required front yard along Crooks.

- Variance would have an adverse effect on surrounding property.
- This fence would not be in keeping with other homes in the area.
- Petitioner did not demonstrate a hardship with the land.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #6 – VARIANCE REQUESTED. PAUL DETERS OF METRO DETROIT SIGNS, 1810 MAPLELAWN, for relief of Chapter 78 to install a fifth wall sign and a third ground sign.

Mr. Stimac explained that the Petitioner is requesting relief of Chapter 78 to install a fifth wall sign, 15.5 square feet in size. Section 9.02.05, B & D, 2, of the Ordinance permits one main wall sign up to 10% of the front building area and two secondary wall signs, not to exceed 20 square feet each. The existing fourth wall sign was installed as a result of a variance granted previously by the Building Code Board of Appeals on September 5, 2001 and it is a 13.6 square foot Oldsmobile sign and the variance expires in November 2003.

The petitioner is also requesting to install a third ground sign, 170 square feet in size, 24 feet tall and setback 10 feet from the right of way. Section 9.02.05, A and D 2 of the Ordinance permits one major ground sign and a secondary ground sign. In addition, the

ITEM #6 – con't.

Ordinance requires a 30-foot setback from the right of way for a sign of this proposed size and height. The Building Code Board of Appeals granted a variance on April 12, 1973 for the major ground sign, 225 square feet in size and 40' in height.

Mr. Paul Deters of Metro Detroit Signs was present and stated that this building is a multi product facility. Mr. Deters explained that the reason they need this additional sign is due to the fact that they are bringing in the “Hummer” product line and now need some type of identification for that product. Mr. Deters went on to say that because there are so many dealers in this area, they wish to provide identification for this product line that will be visible along Maple Road.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Need asked Mr. Deters which sign would be eliminated if the Board were to grant the request for this variance. Mr. Deters stated that the Oldsmobile sign would be removed in November 2003 and Mr. Need stated that he felt that when the Oldsmobile sign was removed, Mr. Deters should come back to the Board with this variance request. Mr. Need went on to say that he thinks this entire area is suffering from “sign pollution” and that this is a self-created hardship. Mr. Need also said that he feels that this product could be moved to another location rather than cram it into this area.

Mr. Zuazo asked when the Oldsmobile sign would be coming down and Mr. Stan Tkacz, the Architect for this project stated that because of a variance granted by the Board, the Oldsmobile sign could remain until November 2003. Mr. Tkacz also said that he agrees with the Board and this area is a victim of “sign pollution”, however, this is a new product and is gaining popularity and this is the reason they wish to be able to identify it to the consumer. Mr. Tkacz then asked if this item could be postponed so that he could come back to the Board with an alternative plan, which will include removing some of the existing signage.

Motion by Need
Supported by Nelson

MOVED, to postpone the request of Paul Deters, Metro Detroit Signs, representing 1810 Maplelawn, until the meeting of December 4, 2002, for relief of Chapter 78 to install a fifth wall sign and a third ground sign which would be setback 10' from the right of way.

- Tabling will allow the petitioner to present an alternative plan to the Board

Yeas: All – 5

ITEM #6 – con't.

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 4, 2002
CARRIED

ITEM #7 – VARIANCE REQUESTED. KAREN GATES, OF THE TROY WOMEN'S ASSOCIATION, 4777 NORTHFIELD PARKWAY, TROY HIGH, for relief of Chapter 78 to place 75 off-site signs advertising a special event.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to place 75 off-site signs advertising the Elf Shelf Arts & Craft show, for a period of eight (8) days. Section 14.03 of the Ordinance limits the number of off-site signs to four. Section 14.02 of the Ordinance permits off-site signs to be in place for a maximum 7-day period. This Board, on a yearly basis, has granted similar requests since 1999. This item also appeared before City Council on a yearly basis from 1992 to 1999, and was granted approval.

Karen Gates of the Troy Women's Association was present and stated that the reason they need the eight (8) day period was because most of their volunteers work during the week and this allows them to remove the signs on Sunday. Ms. Gates went on to say that the number of signs requested has helped to make this event very successful.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Need asked if there was some way to change the Ordinance regarding the number of days a special event sign is allowed to be displayed. Mr. Stimac indicated that City Staff is going to be looking at a significant re-organization of the Sign Ordinance, and he believes that it is very possible that more flexibility will be allowed regarding the duration of the placement of these signs.

Motion by Need
Supported by Kessler

MOVED, to grant Karen Gates, of the Troy Women's Association, 4777 Northfield Parkway, Troy High, relief of Chapter 78 to place 78 off-site signs advertising a special event for a period of eight (8) days.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.

Yeas: All - 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUESTED. SHELLEY DARMETKO, OAKLAND MALL MERCHANTS ASSOCIATION, 300-700 W. 14 MILE ROAD, for relief of Chapter 78 to place a 1200 square foot banner over a portion of the existing pylon sign and frame for a fifty (50) day period.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to place a 1200 square foot banner over a portion of the existing pylon sign and frame facing the I-75 Expressway, from November 7th through December 26, 2002 (50 day period). Section 9.02 of the Ordinance permits a special event sign; however, limits the time period to seven (7) days. A similar request was heard and approved by the Board in 2000 and 2001.

Ms. Shelley Darmetko was present and stated that the banners are professionally done and will not detract from this site. Ms. Darmetko also indicated that similar requests have been brought to this Board before and been approved.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Need expressed concern over the advertising on the banner. Ms. Darmetko stated that because this is a Disney owned project all advertising has to be approved by Disney, and Disney insists on the advertising of the DVD and VHS tape on the banner.

Mr. Kessler asked if advertising had been on the banner regarding the Grinch on the previous banners and Ms. Darmetko stated that it did not, however, Ms. Darmetko also said that Disney now insists that the advertising be placed on these banners. Mr. Kessler also said that he did not think the advertising would be that noticeable to traffic on I-75.

Mr. Nelson asked if the picture provided was representative of the exact size of the advertising, and Ms. Darmetko said it was although she would probably be able to reduce the size of the lettering by 10%.

Motion by Kessler
Supported by Nelson

MOVED, to grant Shelley Darmetko, Oakland Mall Merchants Association, 300-700 W. 14 Mile Road, relief of Chapter 78 to place a 1200 square foot banner over a portion of the existing pylon sign and frame from November 7th through December 26, 2002 (50 day period).

- Advertising on sign will be reduced by 10%.
- Variance would not be contrary to public interest.

ITEM #8- con't.

Yeas: 3- Nelson, Kessler, Zuazo

Nays: 2 – Need, Dziurman

MOTION TO GRANT VARIANCE CARRIED

Mr. Douglas Mossman of Oakland Mall was present and stated that he is in total agreement with the Board's objection to the advertising on this banner, however, his hands are tied because of Disney's restrictions.

ITEM #9 – VARIANCE REQUESTED. PATRICIA CRISWELL, 26 BRAEMAR, for relief of Chapter 83 to replace an existing 54" high fence with one that is 6' high in the required front setback.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to replace an existing 54" high fence with one that is 6' high in the required front setback. This lot is a double front corner lot. As such, it has a front yard along both Braemar and Livernois. Chapter 83 limits fences in front yard setbacks to 30" in height. The site plan submitted indicates the 6' high fence is proposed to be located 15' from the east property line in the required setback along Livernois. At the time of the original fence installation the property immediately to the north was undeveloped. Two new houses, fronting on Livernois, have now been constructed creating the double front condition on the subject property.

Ms. Criswell was present and stated that she wishes to replace her fence and would construct it in exactly the same location. Ms. Criswell went on to say that this fence provides safety and security for her children, and it helps to keep down the noise from the traffic as well as the debris from the street.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval and one (1) written objection on file.

Ms. Criswell stated that she had read the objection from her neighbor and it appears that this neighbor is objecting to the height of the fence. Ms. Criswell went on to say that she is asking for a 6' high fence in order to stay in line with her neighbors.

Mr. Zuazo questioned the placement of the original fence and Mr. Stimac explained that the original fence permit was issued in 1974 and at that time was a conforming fence because this lot was not a double front corner lot.

Mr. Kessler asked about the location of the new fence and Ms. Criswell stated that it would be in exactly the same place as the old fence. Ms. Criswell also said that she is planning on putting up a shadow box type privacy fence, and the nice side of the fence will be facing out. Ms. Criswell further stated that there is a lot of landscaping along

ITEM #9 – con't.

Livernois and she will continue to maintain this area. Mr. Kessler stated that he feels that this property is unique in that it backs up to Commercial property and also feels that the 6' high fence will provide more security for the petitioner as well as give the property a better appearance, and will be in keeping with other fences in the area.

Motion by Kessler
Supported by Zuazo

MOVED, to grant Patricia Criswell, 26 Braemar, relief of Chapter 83 to replace an existing 54" high fence with one that is 6' high in the required front setback along Livernois.

- Variance will not have an adverse effect on surrounding property.
- 6' high fence will be in keeping with other fences in the area.
- There is significant landscape material between the fence and Livernois.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. DAVID WILNER, 2073 EAST MAPLE ROAD, for relief of Chapter 78 to install a 32 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 32 square foot ground sign, 12' in height, in the ultimate right of way. Table B of Section 9.02, of the Ordinance requires that a sign of this height be placed 20' back from the 60' ultimate right of way, (80' from the section line), on Maple Road. The site plan submitted indicates placement of the proposed sign in the ultimate right of way – 47' from the section line. There is currently 37' of right of way in the area where the sign is proposed.

Mr. David Wilner was present and stated that his building is difficult to find due to the fact that he does not have adequate signage. Mr. Wilner also stated that when this building was constructed it complied with the setback requirements. Mr. Wilner further stated that the strip mall was constructed behind him in order to comply with the new setback requirements of the Ordinance. Mr. Wilner is proposing to put up a sign that would be 12' in height with an 8' pole. Mr. Wilner believes that this type of sign will not create any type of traffic hazard and will also be visible to traffic heading both east and west on Maple.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

ITEM #10 – con't.

Mr. Need expressed concern over the potential use of the future right of way and stated that he would not like to see a sign installed and then have to be removed at either the City or County's expense. Mr. Stimac explained that currently this is private property and an agreement would have to be reached if we had to acquire additional space for the right of way. Mr. Stimac also explained that at that time, the agreement would be worded in such a way that the petitioner would be responsible for the removal of the sign. Mr. Need suggested that City Staff meet with the Legal Department to determine what steps could be taken to prevent any costs becoming the responsibility of the City or County.

Mr. Kessler asked what type of business this was and Mr. Wilner stated that it is a Mortgage Financial Institution, and that they have between five (5) and ten (10) people coming in a day. Mr. Kessler then asked if anyone has complained about not being able to find this building, and Mr. Wilner stated that not only have customers indicated that they have had some difficulty in finding the building, but that he has also received complaints from the shopping center of people coming in and using the shopping center to turn around in. Mr. Kessler then stated that he thought that this proposed sign was quite large.

Motion by Need

Supported by Nelson

MOVED, to postpone the request of David Wilner, 2073 East Maple Road, until the meeting of December 4, 2002, for relief of Chapter 78 to install a 32 square foot ground sign in the ultimate right of way – 47' from the section line.

- Postponing will allow City Staff to meet with the Legal Department to review potential agreements regarding removal of the sign as part of a future Right of Way acquisition.

Yeas: 4 – Nelson, Need, Dziurman, Zuazo

Nays: 1 – Kessler

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF DECEMBER 4, 2002
CARRIED

ITEM #11 – VARIANCE REQUESTED. WAYNE WRIGHT OF CAPITOL SIGNS, 578 W. 14 MILE – STEVE & BARRY'S, for relief of Chapter 78 to install a 248 square foot wall sign.

Mr. Stimac explained that Section 9.02.04, B of the Sign Ordinance requires that a tenant identification wall sign be placed on the face of the area occupied by a tenant. The petitioner occupies space on the first floor of the Oakland Mall. The site plan submitted indicates placement of the sign on the second floor wall above the tenant space.

ITEM #11 – con't.

Mr. Wayne Wright of Capitol Signs was present and stated that this tenant is taking over the space that was previously occupied by the United Artists Theater and that part of this space is below grade and therefore is not as visible as other stores in the area. Mr. Wright also explained that this store is almost as large as an anchor store at the mall. He further noted that there is a retaining wall that obscures most of this space.

The Chairman opened the Public Hearing.

Mr. Douglas Mossman, of Oakland Mall was present and stated that this tenant is occupying the fourth (4th) largest space in the mall and believes that the location makes this a hardship. Mr. Mossman stated that he supports this request for a variance.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Nelson
Supported by Need

MOVED, to grant Wayne Wright of Capitol Signs, 578 W. 14 Mile – Steve & Barry's, relief of Chapter 78 to install a 248 square foot wall sign on the second floor wall above the tenant space.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #12 – VARIANCE REQUESTED. MICHAEL J. DUL & ASSOCIATES, INC., REPRESENTING CURTIS BAGNE, 2971 VINEYARDS DR., for relief of Chapter 83 to install a 54" aluminum fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 54" aluminum fence. This lot is a double front corner lot. As such, it has front yard requirements along both Vineyards and Adams Road. Chapter 83 limits fences in front yard setbacks to 30" in height. The site plan submitted indicates a 54" aluminum fence in the required 50' setback along Adams Road.

Mr. Michael Dul was present and stated that the petitioners wished to change their request in that instead of a 54" aluminum fence, they wish to install a 48" high ornamental fence, which will be used as a pool enclosure. Mr. Dul went on to say that presently there is a berm in place as well as a large stand of trees, which will conceal most of this fencing.

ITEM #12 – con't.

Mr. Dziurman questioned the location of the berm and Mr. Dul stated that they plan to depress the pool area and add to the existing berm by planting quite heavily in that area. Mr. Dul also explained that the fence would be 50' from the Adams Road pavement and he did not feel that the fence would detract from the area.

Mr. Curt Bagne and Ms. Catherine Gofrank were also present and indicated they had received approval from the Homeowners Association for the construction of the pool and fence.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There are three (3) written approvals on file.

Mr. Stimac questioned Mr. Dul regarding the height of the fence. Mr. Dul replied that the fence would be a two (2)-rail style, 48" in height and would be constructed according to code regarding pool enclosures.

Motion by Kessler
Supported by Need

MOVED, to grant Michael J. Dul & Associates, Inc. representing Curtis Bagne, 2971 Vineyards Dr., relief of Chapter 83 to install a 48" ornamental fence in the required 50' setback along Adams Road.

- Fence will be not more than 48" in height.
- The fence will be 24 feet from the property line along Adams Road.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #13 – VARIANCE REQUESTED. JAN GARANT, 4985 ALTON, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence. This lot is a double front lot. As such, it has a front yard along both Alton and East Long Lake. Chapter 83 limits fences in required front yards to 30" in height. The site plan submitted indicates a 6' high privacy fence in the required front setbacks along Alton and East Long Lake.

Mr. and Mrs. Garant was present and Mrs. Garant stated that she and her husband had purchased this home in September with the understanding that they would be allowed

ITEM #13 – con't.

to put a fence. Ms. Garant went on to say that she has a very active one (1) year old and three (3) year child and she wishes to put up this fence to protect her children from the traffic along Long Lake Road, as well as to protect them from a neighborhood dog that comes on to her property. Ms. Garant also stated that they wished to change their request in that they would like to put of a 36" high picket fence along the eastern portion of the front of the property, rather than the 6' high fence previously requested due to the objections of the surrounding neighbors. Ms. Garant also indicated that this was the only location they could put the fence, because of three (3) very large pine trees.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. Ms. Garant turned in signatures indicating approval of this request from five (5) of her neighbors.

Mr. Need expressed concern and stated that historically the Board has asked for a minimum of a 10' setback from the property line in order for them to add landscaping. Ms. Garant stated that the fence company had indicated to them that they would not be able to construct the fence in any other location, due to the fact that the pine trees are in the way. Mr. Need asked Ms. Garant if they would be willing to postpone this item until the next meeting in order for them to bring in some type of alternative location and landscape design. Ms. Garant stated that if they are forced to go back 10', they will have to remove the pine trees and they would rather not do that. Mr. Garant also stated that they did not feel they had any other alternative, and if forced to place the fence 10' back the pine trees would have to be removed.

Motion by Need to postpone this request until the meeting of December 4, 2002.

- To allow the petitioner to come back to the Board with a landscape plan.

Mr. Garant stated that they will have to take down the pine trees if forced to move the fence line back. Mr. Dziurman stated that he thought that perhaps they could work with the fence company and come up with an alternative location and bring in a landscape plan. Mr. Dziurman also indicated that they could up a fence along the house and line and a variance would not be required. Mr. Garant stated that although he understood the Board's concern regarding landscaping, he has already spent a lot of money on the planning of this fence, and would like to be able to start putting money into the inside of the home. Ms. Garant stated that she would like to be able to work with the Board, because right now she is not able to let her children outside due to the fact that she is worried about the traffic on Long Lake. Ms. Garant also stated that they would be willing to take a lesser variance rather than tear down the trees, and that they are only asking for a variance to put a fence at the front of their property.

ITEM #13 – con't.

Mr. Stimac explained that Mr. Need would like them to bring in a plan that clearly depicts the exact distance of fence and the location of the pine trees, in order that the Board could make a more informed decision.

The Chairman asked for a second on Mr. Need's motion to postpone this request for thirty (30) days. None was given and Mr. Need's motion dies due to lack of support.

Further discussion ensued in which the Board explained to the Garant's the type of plan they would like them to bring back to the Board.

Motion by Need
Supported by Nelson

MOVED, to postpone the request of Jan Garant, 4985 Alton, for relief of Chapter 83 to install a 6' privacy and 36" high picket fence in the required front setbacks along Alton and East Long Lake Road.

- Postponement will allow the petitioner to bring in a detailed plan, depicting landscape plans, existing vegetation and dimensions regarding placement of the fence.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 4, 2002
CARRIED.

ITEM #14 – (ITEM #3) – VARIANCE REQUESTED. DAVID KUJAWA, 3310

HARMONY, for relief of Chapter 83 to erect a 6' high privacy fence setback 6' from the property line along Lakewood for the east 42' of the lot.

The Chairman moved this item to the end of the agenda, ITEM #14, to allow the petitioner the opportunity to be present.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. This lot is a double front corner lot. As such, it has a front yard along both Harmony and Lakewood. The new site plan submitted indicates a 6' high privacy fence setback 6' from the property line along Lakewood for the east 42' of the lot. A previous appeal at this property for a 6' high fence for the east 63' of the property was approved by the Board in September of 2002 with a 12' setback from the property line along Lakewood. The petitioner has submitted a new application asking approval for this smaller amount of fencing at the 6-foot setback.

This item last appeared before the Board at the meeting of October 2, 2002 and was postponed to allow the petitioner to present the Board with a landscape plan.

ITEM #14 – con't. (Item #3)

Mr. Kujawa was present and brought in pictures of arborvitaes that he had planted along the fence posts indicating the new type of landscaping he would provide. Mr. Kujawa also stated that the reason he wanted the fence setback 6' from the property line was to increase the yard space for his children to play in.

Mr. Dziurman asked why Mr. Kujawa installed the fence posts in this location, when the Board had granted approval for the fence to be placed 12' from the property line. Mr. Kujawa said that he thought he had been given approval to put the fence up 6' from the property line as long as he had provided a landscape plan. Mr. Stimac explained that the Board did not specify any type of landscaping to be provided at the time they granted the variance for a 12' setback, but that the Board wanted to see a landscape plan before they approved the 6' setback. Mr. Kujawa stated that he planted the shrubs at this time so that they would be in before the cold weather got here.

Mr. Kessler stated that he objected to the reduction in the setback at the last meeting because he did not feel that enough screening could be provided in a 6' setback. Mr. Kessler also expressed concern over the fact that he thought this privacy fence would create a billboard effect and would rather see some type of buffer. Mr. Kessler also questioned the placement of the fence in relation to the driveway and Mr. Kujawa stated that his original request was shown as 7' from the driveway and the fence is now more than 7' from the corner of the house.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There is one (1) written objection on file.

Mr. Need stated that he was hoping to see some type of complete landscape plan rather than the pictures of installed landscaping presented. Mr. Need also stated that he feels that Mr. Kujawa acted in good faith, however, stated that he was concerned about the location of the fence.

Motion by Need

Supported by Nelson

MOVED, to grant David Kujawa, 3310 Harmony, relief of Chapter 83 to erect a 6' high privacy fence setback 6' from the property line along Lake Lakewood for the east 42' of the lot.

- Believes petitioner showed good faith in putting up shrubs.

Yeas: 4 – Need, Nelson, Zuazo, Dziurman

Nays: 1 – Kessler

MOTION TO GRANT VARIANCE CARRIED

Mr. Nelson suggested that Mr. Kujawa check the City Ordinances before he does any additional construction to his home.

The Building Code Board of Appeals adjourned at 10:23 A.M.

MS/pp